

MINUTES OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR THURSDAY, NOVEMBER 19, 2015

1. HEARINGS TO BE HELD AT THE LIQUOR COMMISSION, 50 STORRS STREETS, CONCORD, NH:

November 6, 2015 @ 9:30 A.M.

- a. Carlo Rose Cigar Bar & Lounge, 10 Bridge Street #5, Pelham, NH.
Cigar Bar On-Premise Beverage/Wine/Liquor/Cigar License #402306 licensed pursuant to RSA 178:20-a.
Cited for violation of RSA 179:53 – altered premises without Commission approval.
Cited for violation of RSA 179:32, II – purchased alcohol from other than a holder of a wholesaler distributor license.
Cited for violation of RSA 178:20-a/Liq. 704.01 – failed to renew Cigar Bar license 30 days prior to expiration.
Cited for violation of RSA 178:20-a, II(a) – failed to provide records to demonstrate cigar and alcohol sales.
Cited for violation of RSA 178:29, VIII – license was transferred to another location without consent of the Commission.
Dates of violations: August 31, 2015 & September 16, 2015.
Case #: 15-341-OF.

Singin' Bowl, 10 Bridge Street #4, Pelham, NH.
Cigar Bar On-Premise Beverage/Wine/Liquor/Cigar License #401606 licensed pursuant to RSA 178:20-a.
Cited for violation of RSA 179:53 – altered premises without Commission approval.
Cited for violation of RSA 178:20-a, II – failed to generate 60% of its quarterly gross revenue from the sale of cigar-related products which are limited to cigars, humidors, cigar cutters and cases, lighters and ashtrays.
Cited for violation of RSA 179:32, II – purchased alcohol from other than a holder of a wholesaler distributor license.
Cited for violation of RSA 178:29, VIII – license was transferred to another location without consent of the Commission.
Date of violations: September 16, 2015.
Case #: 15-342-OF.
SETTLEMENT PENDING.

November 19, 2015 @ 10:30 a.m.:

- b. UPS, 55 Glen Lake Parkway, Atlanta, GA.
Carrier-Beverage/Wine/Liquor License #748116 licensed pursuant to RSA 178:14.
Cited for violation of RSA 179:5, I/Liq. 1104.06 – shipped and delivered alcohol for a company on the unauthorized shippers list – 2 counts.
Cited for violation of RSA 179:5, I – failed to obtain an adult signature when delivering an alcohol product.
Dates of violations: April 29, 2015, June 29, 2015 & July 21, 2015.
Case #s: 15-173-OF, 15-259-OF & 14-288-OF.
SETTLEMENT PENDING.

December 4, 2015 @ 9:30 a.m.:

- c. American Legion Post 31, 11 Charles Street, Penacook, NH.
Veterans Club License #18039 licensed pursuant to RSA 178:22, V(h).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was intoxicated or who a reasonable and prudent person would know is intoxicated.
Date of violation: May 9, 2015.
Case #: 15-181-OF.

December 11, 2015 @ 9:30 a.m.:

- d. Crazy Camel, 245 Maple Street, Unit #1, Manchester, NH.
Cigar Bar On-Premise Beverage/Wine/Liquor/Cigar License #402006 licensed pursuant to RSA 178:20-a.
Cited for violation of RSA 178:20-a, II – failed to generate 60% of its quarterly gross revenue from the sale of cigar-related products which are limited to cigars, humidors, cigar cutters, cigar cutters and cases, lighters and ashtrays.
Date of violation: February 24, 2015. Case #: 15-65-OF.

2. NOTIFICATION OF DISCIPLINARY ACTION:

- a. Bernie's Bar & Grill, 73 Ocean Blvd., Hampton, NH.
Restaurant Full Service With Lounge License #1448003 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was intoxicated or who a reasonable and prudent person would know is intoxicated.
Date of violation: August 22, 2015.
Case #: 15-331-OF.
An administrative fine of \$500, four (4) points shall be assessed to the liquor license and the license to sell alcohol shall be suspended in the upstairs cocktail lounge only for three (3) days with one (1) day held in abeyance for twelve (12) months pending no like violation commencing April 22, 2016 with re-grant on April 25, 2016.
COMMISSION ACKNOWLEDGED.
- b. Driving Range & Marty's Ice Cream (The), 96 Old Turnpike Road, Mason, NH.
Restaurant Beverage and Wine License #1429103 licensed pursuant to RSA 178:20.
Cited for violation of RSA 179:27, II - served or consumed alcoholic beverage in areas not approved by the Commission – 2 counts.
Dates of violations: July 16, 2015 & August 13, 2015.
Case #: 15-284-OF & 15- 326-OF.
\$500 administrative fine with \$250 suspended for twelve (12) months pending no like violation and mandatory attendance at a Management Training Seminar (MTS) for Nicole Ruggiero by November 30, 2015.
COMMISSION ACKNOWLEDGED.
- c. Finch's Beer Company, 4565 North Elston Avenue, Chicago, IL.
Beverage Vendor License #68431 licensed pursuant to RSA 178:15.
Cited for violation of RSA 178:15, II – failed to furnish before the tenth day of each month, a report showing the quantity of beverages sold or delivered to each wholesale distributor licensee during the preceding calendar month.
Date of violation: October 2, 2015.
Case #: 15-390-OF.
An administrative fine of \$250 suspended for twelve (12) months pending no like violation.
COMMISSION ACKNOWLEDGED.

3. NOTIFICATION OF NON-CONTESTED TITLE XIII VIOLATION FINES PAID IN FULL:

None

4. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

- a. Armann Corporation DBA Freedom Discount Beverage, 117 Porter Road, Freedom, NH 03836.
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3337647 pursuant to RSA 178:18 & RSA 178:19-a.
30 Day Temporary License issued: 11/10/2015.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- b. Barley House LLC (The) DBA Barley House Seacoast (The),
43 Lafayette Road, North Hampton, NH 03862.
To be issued Restaurant On-Premise Beverage, Wine and Liquor License #1519003 pursuant to RSA 178:21.
30 Day Temporary License issued: 11/6/2015.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- c. Deja Boutique LLC, 553 Mast Road, Suites 4 & 5, Goffstown, NH 03045.
To be issued Retail Table Wine, Wine Only License #3160046 pursuant to RSA 178:19.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- d. GC Fridays Boston LLC, T.G.I. Friday's #2744, Amherst Street, 124 Route 101A, Amherst, NH 03031.
To be issued Restaurant On-Premise Cocktail Lounge License #1519003 pursuant to RSA 178:22, V.
30 Day Temporary License issued: 11/17/15.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- e. Opia LLC, 128 Rockingham Road, Londonderry, NH 03053.
To be issued Retail Tobacco, Tobacco Only License #136217 pursuant to RSA 178:19-a.
30 Day Temporary License issued: 11/9/2015.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- f. Seacoast Cigar Bar LLC, 215B Lafayette Road, North Hampton, NH 03862.
To be issued Cigar Bar On-Premise Beverage, Wine and Liquor License #403306 pursuant to RSA 178:20-a.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- g. United Gourmet Foods LLC DBA Vibes Gourmet Burgers, 25 South Main Street, Concord, NH 03301.
To be issued Restaurant On-Premise Beverage and Wine License #1512803 pursuant to RSA 178:20.
30 Day Temporary License issued: 11/9/2015.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.

5. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:

None

6. SOLICITORS/REPRESENTATIVE & DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING NOVEMBER 13, 2015: 1,151

- a. Mouth Foods, Inc., 192 Water Street, Brooklyn, NY 11201.
Direct Shipper Permit Importer, Wholesaler or Retailer pursuant to RSA 178:27.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- b. Richard E. Libby, 23 South Broadway, Suite 11, Salem, NH 03079.
To be issued Alcohol Consultant License #505144 licensed pursuant to RSA 178:27-a.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.

7. SOLICITORS/REPRESENTATIVE & DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:

None

8. NOTIFICATION OF APPROVED PETITIONS:

- a. Sage Cooks LLC DBA Gypsy Café (The), 117 Main Street, Lincoln, NH 03251.
Restaurant On-Premise Beverage/Wine/Liquor License #1326703 licensed pursuant to RSA 178:21.
Date petition received: 11/2/2015.
Requested a waiver of RSA 178:21 II, a (2) for authorization of reduction of hours, to wit, to reduce the hours of operation to less than five days a week during November 2015 as indicated in a letter dated November 9, 2015.
COMMISSION ACKNOWLEDGED.
- b. Sage Cooks LLC DBA Gypsy Café (The), 117 Main Street, Lincoln, NH 03251.
Restaurant On-Premise Beverage/Wine/Liquor License #1326703 licensed pursuant to RSA 178:21.
Date petition received: 11/9/2015.
Requested approval for authorization of other area, to wit, an additional dining room area with a capacity of 22 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- c. Sweet Baby Vineyard LLC, 14 Powwow Road, East Kingston, NH 03827.
Wine Manufacturer Off-Premise Wine Only License #562430 licensed pursuant to RSA 178:8.
Date petition received: 10/27/2015.
Requested approval for authorization to transfer business location, to wit, to transfer the location from 14 Powwow Road, East Kingston, NH to 260 Stage Road, Hampstead, NH on November 25, 2015 pursuant to RSA 178:29, VIII.
COMMISSION ACKNOWLEDGED.

9. NOTIFICATION OF APPROVED FELON EXCEPTIONS:

Pizza Man Of Hooksett (The), 254 West River Road, Hooksett, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1447003 licensed pursuant to RSA 178:21.
Requested approval for a Felon Exception for Victoria Greenhalge Whanger as a Person In Charge pursuant to RSA 178:4, RSA 179:23 and Liq. 404.06(c).
Case #: 14-395-OF.
COMMISSION ACKNOWLEDGED.

10. NOTIFICATION OF DENIED FELON EXCEPTIONS:

None

11. NOTIFICATION OF COMPLIANCE CHECKS SCHEDULED WITHIN NINETY (90) DAYS:

None

12. NOTIFICATION OF COMPLIANCE CHECKS:

None

13. COMMISSION DECISIONS PENDING AFTER HEARING:

Jade Palace, 28 Portsmouth Avenue, Stratham, NH.
Restaurant Full Service With Lounge License #1451603 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated – 2 counts.
Dates of violations: October 13, 2014 & December 28, 2014.

Case #: 14-400-OF & 15-7-OF.

HEARING WAS HELD SEPTEMBER 17, 2015.

OCTOBER 1, 2015, THE COMMISSION ISSUED ITS DECISION AND ORDER ON OBJECTIONS RAISED AT THE PRE-HEARING CONFERENCE AND HEARING; LICENSEE'S OBJECTION TO SGT. EMERSON'S AND SGT. CALL'S TESTIMONY IS DENIED; OBJECTION TO INVESTIGATOR MONE'S TESTIMONY IS DENIED; AND OBJECTION TO EXCLUDE POLICE AND INCIDENT REPORTS AS WELL AS A LICENSEE'S VIOLATION HISTORY AS EXHIBITS IS GRANTED.

THE DOE FILED AN OBJECTION TO THE DECISION AND ORDER ON OBJECTIONS RAISED AT THE PRE-HEARING CONFERENCE AND HEARING.

RESPONSE TO OBJECTION TO NOTICE OF DECISION AND ORDER FILED BY THE LICENSEE.

14. NOTIFICATION OF HEARING RESULTS:

None

15. MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:

- a. Country Corner Mile LLC, Route 31, Greenville, NH 03048.
Agency Store Off-Premise Liquor Only License #980404 licensed pursuant to RSA 177:9.
Requested approval for renewal of license, to wit, to renew Agency Store Off-Premise Liquor Only License pursuant to RSA 177:9.
Recommendation: Approval.
DEPUTY COMMISSIONER MILLIGAN MOVED TO TABLE THIS ITEM SO THAT JIM RICHARDS CAN CONTACT THE LICENSEE TO ASSURE THEY HAVE EVERYTHING THEY NEED FROM THE COMMISSION TO OPERATE PROPERLY.
THIS ITEM TO REMAIN TABLED UNTIL THE LICENSEE IS CONTACTED BY JIM RICHARDS.
- b. Firestone Walker LLC, PO BOX 645, Solvang, CA 93464.
Beverage Vendor License #54731 licensed pursuant to RSA 178:15.
Date petition received: 10/5/2015.
Requests approval of Firestone XIX Anniversary Ale with an alcohol content of 13.8% at 60 degrees Fahrenheit by volume licensed pursuant to RSA 178:1, LXIV-a and RSA 179:40-a.
Recommendation: Approval.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.

16. MISCELLANEOUS ITEMS FOR INFORMATION ONLY:

Notre Dame Arena, Inc., 15 Hillside Avenue, Berlin, NH 03570.
To be issued Sports Entertainment License #7002543 pursuant to RSA 178:22, V(u)(1).
Recommendation: Expedited approval.
Commission approved on 11/13/2015.
COMMISSION ACKNOWLEDGED.

17. NOTIFICATION OF LATE ITEMS:

- a. Tower Hill Tavern, 264 Lakeside Avenue, Laconia, NH.
Restaurant Full Service With Lounge License #1369903 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was intoxicated or who a reasonable and prudent person would know is intoxicated – 2 counts.
Cited for violation of RSA 179:27, II - served or consumed alcoholic beverage in areas not approved by the Commission.
Cited for violation of RSA 179:51 – failed to maintain an orderly premise.
Date of violations: June 28, 2015.
Case #: 15-266-OF.
SETTLEMENT PENDING.
For violation of RSA 179:5, I, an administrative fine of \$1,000 with \$500 suspended for twelve (12)

months pending no like violation, four (4) points shall be assessed to the liquor license, the license to sell alcohol shall be suspended in the cocktail lounge only for three (3) days with one (1) day held in abeyance for twelve (12) months pending no like violation commencing December 5, 2015 with re-grant on December 7, 2015; the Licensee shall contact the Division of Enforcement's training unit to schedule training for Melody York who shall attend a Management Training Seminar (MTS) in a classroom by December 15, 2015 and Katherine York and Shealya Santagate shall complete a Total Education in Alcohol Management (TEAM) seminar online by December 15, 2015; for violation of RSA 179:27, an administrative fine of \$500 with \$250 suspended for twelve (12) months pending no like violation; and for violation of RSA 179:51, an administrative fine of \$500 with \$250 suspended for twelve (12) months pending no like violation .

COMMISSION ACKNOWLEDGED.

- b. Whiskey Barrel BBQ & Roadhouse, 200 Portland Street, Lancaster, NH.
Restaurant Full Service With Lounge License #1488803 licensed pursuant to
RSA 178:21, II(a)(1)/RSA 178:22, V(q).

Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated – 2 counts.

Cited for violation of RSA 179:51 – failed to maintain an orderly premise – 3 counts.

Cited for violation of RSA 179:23, IV – failed to have an affidavit on file with the Commission for the person in charge of the premises.

Dates of violations: March 29, 2015 & May 10, 2015.

Case #s: 15-114-OF & 15-184-OF.

SETTLEMENT PENDING.

For violation of RSA 179:5, I, an administrative fine of \$1,000 with \$500 suspended for twelve (12) months pending no like violation, four (4) points shall be assessed to the liquor license, the license to sell alcohol shall be suspended in the cocktail lounge only for six (6) days with three (3) days held in abeyance for twelve (12) months pending no like violation commencing December 5, 2015 with re-grant on December 8, 2015, the Licensee shall contact the Division of Enforcement's training unit to schedule Janet Arsenault, Kimberly Phillips, Heather Boudle and Andrea Glidden for Total Education in Alcohol Management (TEAM) seminar online by December 15, 2015; for violation of RSA 179:23, IV, an administrative fine of \$250 suspended for twelve (12) months pending no like violation; for violation of RSA 179:27, an administrative fine of \$250 suspended for twelve (12) months pending no like violation; and for violation of RSA 179:51, an administrative fine of \$500 with \$250 suspended for twelve (12) months pending no like violation.

COMMISSION ACKNOWLEDGED.